

Canadian International Trade Tribunal

2012-13

Departmental Performance Report

The Honourable James M. Flaherty

The Honourable James M. Flaherty
Minister of Finance

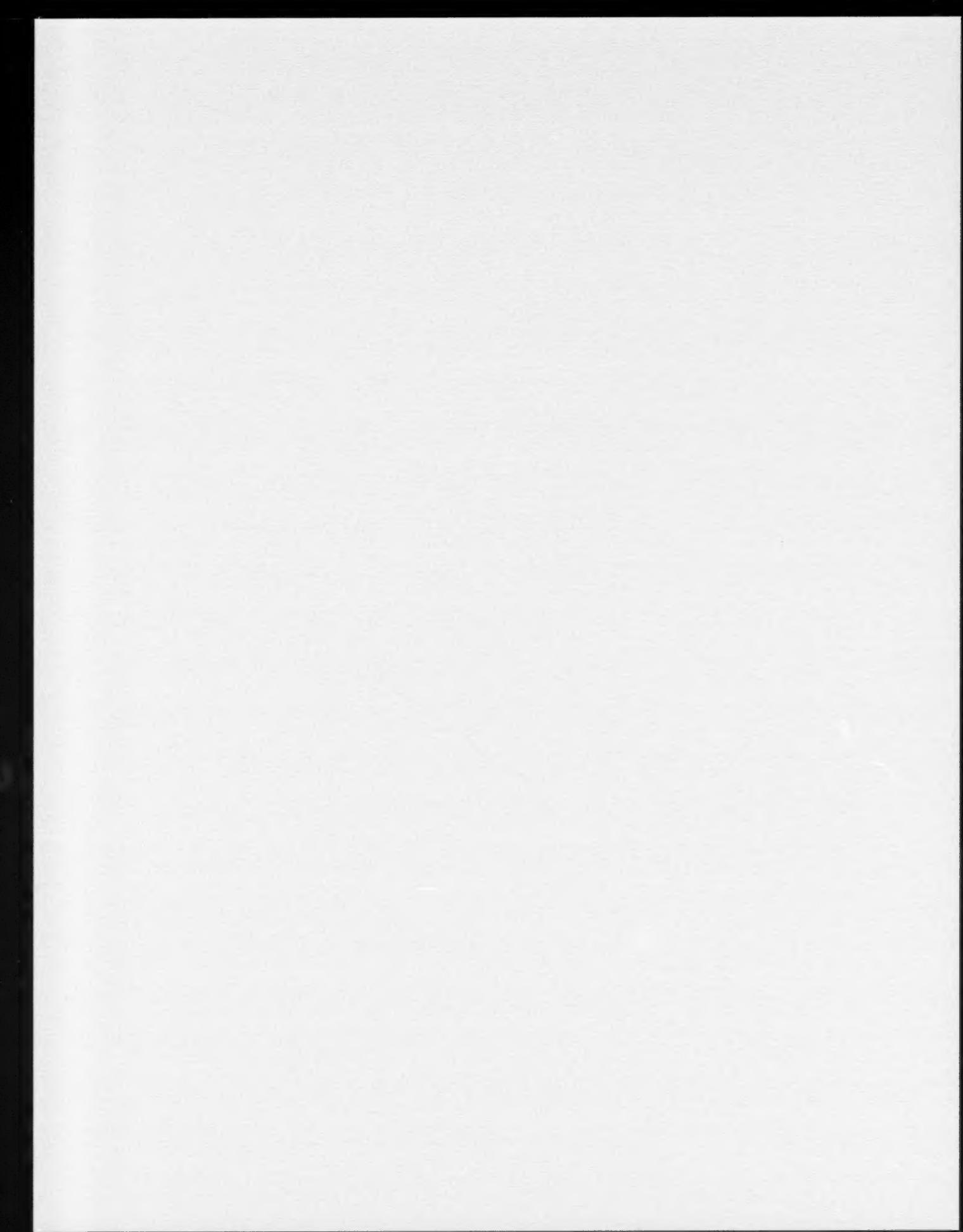
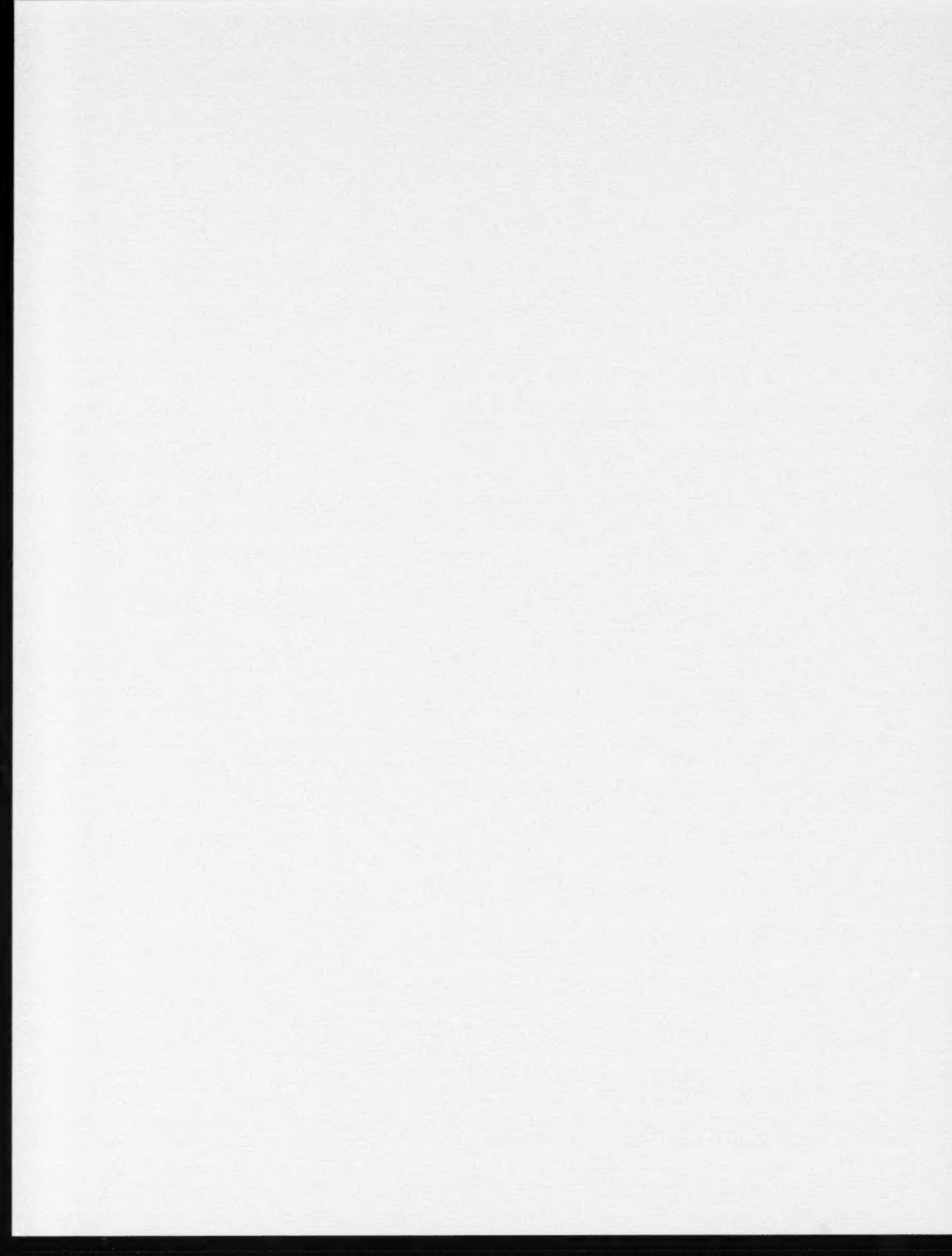


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CHAIRPERSON'S MESSAGE

I am pleased to present the 2012-2013 Departmental Performance Report (DPR) for the Canadian International Trade Tribunal (the Tribunal). The Tribunal's mandate is to provide Canadian and international businesses with access to fair, transparent and timely processes for the investigation of trade remedy cases and complaints concerning federal government procurement and for the adjudication of appeals on customs and excise matters. At the request of the Government, the Tribunal provides advice on tariff, trade, commercial and economic matters.

As indicated in the Tribunal's 2012-2013 Report on Plans and Priorities (RPP), the forecasted increase in the overall caseload materialized. In total, during 2012-2013, the Tribunal issued more than 170 decisions and orders in the trade remedy, procurement, and appeal areas of its mandate.

In the trade remedy area of its mandate, the Tribunal issued decisions in five preliminary injury inquiries, five final injury inquiries and three expiry reviews. The estimated value of the Canadian market for the injury inquiries and expiry reviews for which decisions were rendered represented more than \$3.3 billion and approximately 3,000 direct jobs.

The procurement area of the Tribunal's mandate remained a significant line of business in 2012-2013, even though the number of cases has returned to historical norms. During 2012-2013, the Tribunal received 53 new procurement complaints which pertained to 50 different contracts with a collective value of over \$350 million.

Similarly, the appeal area of the Tribunal's mandate remained active. During 2012-2013, a total of 73 new appeals were filed pursuant to the *Special Import Measures Act (SIMA)*, the *Customs Act* and the *Excise Tax Act*.

Although the Tribunal has always successfully delivered on its mandate, I am particularly proud of Tribunal staff this year because, in addition to a high caseload, this was a year of structural changes at the Tribunal which significantly reduced costs and increased operational efficiency. The successful implementation of these changes was only possible due to the professionalism and hard work of Tribunal staff.

As detailed in this report, in 2012-2013, the Tribunal completed several key initiatives targeting investment in its people, sound management and improved service delivery.

Of particular note is a major construction project to modernize and maximize the Tribunal's office space. Internally, this project was led by a small dedicated group of corporate services personnel, who not only ensured that the project was done on time and on budget but also worked tirelessly to minimize the disruption of regular Tribunal business.

In conjunction with the construction project, Tribunal Information Technology (IT) staff improved the efficiency and reliability of the Tribunal's IT infrastructure in 2012-2013, including the successful implementation of a complex tactical IT security system to minimize the risk to its network.

Finally, corporate services personnel led the Tribunal's early adoption the cost-effective telephone services initiative of Shared Services Canada (SSC) to convert from landlines to mobile devices. The elimination of the majority of landlines at the Tribunal generates significant recurring savings that will be reallocated to delivering on the Tribunal's mandate.

Tribunal program staff also undertook significant projects, including the successful piloting of an electronic questionnaire and the completion of the Tribunal's revised rules of procedure, both of which will reduce the paper burden on Tribunal stakeholders and save them and Tribunal staff significant time.

In addition, Tribunal program staff began the first phase of a succession planning program, which is designed to identify and fill gaps in the recruitment, training and retention of Tribunal staff. First, a comprehensive training program for Tribunal Members was created and provided to Members who joined the Tribunal during 2012-2013. Second, intensive training on the conduct of inquiries in the trade remedy area of the Tribunal's mandate and on legal writing techniques was provided to all staff in the Research Branch and Legal Services.

These initiatives have helped the Tribunal continue to be a key player in Canada's trade remedy system by issuing fair, timely and transparent decisions. In doing so, the Tribunal continues to support the government priorities of strengthening the economy and enhancing its services to Canadians.

Stephen A. Leach

Stephen A. Leach

Chairperson

SECTION I—TRIBUNAL OVERVIEW

Raison d'être

The Tribunal provides Canadian and international businesses with access to fair, transparent and timely processes for the investigation of trade remedy cases and complaints concerning federal government procurement and for the adjudication of appeals on customs and excise matters. At the request of the Government, the Tribunal provides advice in tariff, trade, commercial and economic matters.

Responsibilities

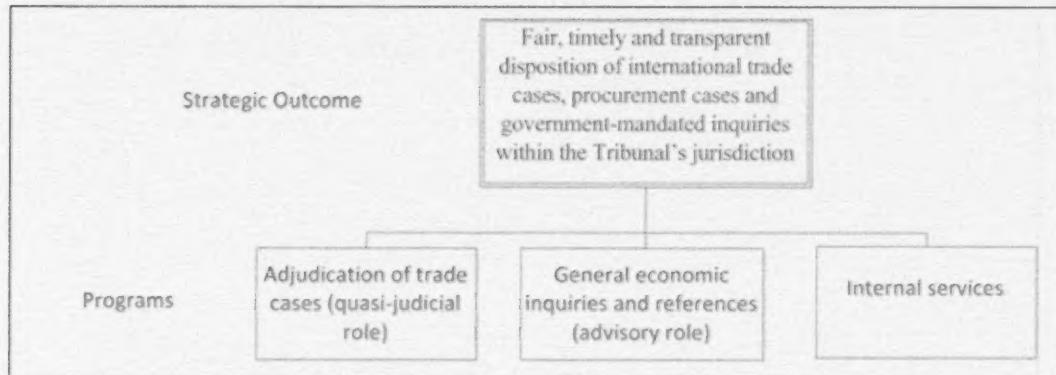
The Tribunal was established in December 1988 under the *Canadian International Trade Tribunal Act (CITT Act)*. It acts as an independent, investigative and quasi-judicial decision-making body that reports to Parliament through the Minister of Finance. The Tribunal also derives authority from *SIMA*, the *Customs Act* and the *Excise Tax Act*. The Tribunal's office is located in Ottawa, Ontario.

The Tribunal fulfils the following roles within the Government of Canada:

- inquires, under *SIMA*, into whether dumped or subsidized imports have caused, or are threatening to cause, injury to a domestic industry;
- inquires into complaints by potential suppliers concerning procurement by the federal government that is covered by the *North American Free Trade Agreement (NAFTA)*, the *Agreement on Internal Trade (AIT)*, the *World Trade Organization (WTO) Agreement on Government Procurement (AGP)*, the *Canada-Chile Free Trade Agreement (CCFTA)*, the *Canada-Peru Free Trade Agreement (CPFTA)* and the *Canada-Colombia Free Trade Agreement (CCOFTA)*;
- hears appeals from decisions of the Canada Border Services Agency (CBSA) made under the *Customs Act* and *SIMA*, and of the Minister of National Revenue under the *Excise Tax Act*;
- inquires into and provides advice on such economic, trade and tariff issues as are referred to the Tribunal by the Governor in Council or the Minister of Finance;
- investigates requests from Canadian producers for tariff relief on imported textile inputs used in their production operations and makes recommendations to the Minister of Finance on the requests; and
- undertakes safeguard inquiries into complaints by domestic producers that a rapid increase in imports is causing, or threatening to cause, injury to domestic producers and makes recommendations to the Government on an appropriate remedy.

Strategic Outcome and Program Alignment Architecture

The chart below illustrates the Tribunal's complete framework of programs¹ which refers to the legislative area of its mandate.



Organizational Priorities

Priority	Type	Strategic Outcome
Process Cases Within Statutory Deadlines and Maintain Quality Standards	Ongoing	Fair, timely and transparent disposition of international trade cases, procurement cases and government-mandated inquiries within the Tribunal's jurisdiction

Summary of Progress

The Tribunal has a statutory obligation to hear cases and make sound decisions on matters that fall within its jurisdiction within legislative and internal deadlines. In so doing, the Tribunal supports a fair marketplace in Canada, maintains its strong reputation both within Canada and throughout the world and complies with its legislative requirements.

- The Tribunal met this objective in all its cases.
- A comprehensive training program for Tribunal Members was created and provided to Members who joined the Tribunal during 2012-2013.
- Intensive training on the conduct of inquiries in the trade remedy areas of the Tribunal's mandate and on legal writing techniques was provided to all staff in the Research Branch and Legal Services.

1. The Policy on Management, Resources and Results Structure (MRRS) recently underwent changes that came into effect on April 1, 2012. Updates have been made to the MRRS nomenclature, specifically, the following:
 "Program Activity Architecture" becomes "Program Alignment Architecture" (PAA);
 "Program Activity" becomes "Program";
 "Sub-activity" becomes "Sub-program"; and
 "Sub-sub-activity" becomes "Sub-sub-program."

Collectively, all elements of the PAA are referred to in this document as "programs." The lowercase "p" indicates a reference to all or any program, sub-program and sub-sub-programs.

- Legal Services conducted a series of seminars for Members and legal staff on all areas of the Tribunal's mandate, and on various subjects pertaining to administrative law, judicial review and values and ethics in the public service.
- The Tribunal completed the review of its rules of procedure in order to streamline proceedings, reduce the paper burden imposed on parties and increase overall efficiency and transparency, while preserving procedural fairness and the protection of confidential information.
- Procedure manuals were revised and updated to enhance the learning tools of Tribunal staff.

Priority	Type	Strategic Outcome
Invest in Its People	Ongoing	Fair, timely and transparent disposition of international trade cases, procurement cases and government-mandated inquiries within the Tribunal's jurisdiction

Summary of Progress

The Tribunal's reputation of excellence depends largely on its highly specialized workforce working closely together to deliver on its mandate.

- The Tribunal implemented its Code of Conduct on April 3, 2012. A copy of the Code of Conduct was provided to all staff with an accompanying letter signed by the Chairperson. All employees were required to complete and sign a declaration certifying that they had read, understood and would adhere to the ethical and behavioural obligations required as an employee of the Tribunal. The Tribunal's Code of Conduct and Treasury Board's Values and Ethics Code for the Public Sector outline the values and principles to which Tribunal Members and staff aspire and through which Members and staff intend to continue the Tribunal's tradition of excellence.
- The Tribunal offered training sessions on harassment prevention to all new staff and to all new managers. These sessions were interactive and thought-provoking with healthy dialogue and discussion. The Tribunal also issued a harassment complaint process guideline to better educate staff on the steps involved in such a complaint process.
- Employees were given the opportunity to suggest initiatives that would respond to the action priorities from the Public Service Employee Survey. As a result, several staff retreats were held to provide team-building exercises and information sessions. As well, regular information bulletins were sent to all staff on Tribunal-wide initiatives to keep employees up to date on developments. Several town-hall style meetings attended by the Chairperson were held at the branch level to ensure direct communication to and feedback from employees.
- The Employee Orientation Guide is distributed to all new employees as soon as their e-mail accounts are activated. As well, it remains an easily accessible tool that can be used by all employees. It contains information on services and programs with direct links to the appropriate Web sites.

Priority	Type	Strategic Outcome
Sound Management	Ongoing	Fair, timely and transparent disposition of international trade cases, procurement cases and government-mandated inquiries within the Tribunal's jurisdiction

Summary of Progress

Promoting transparency and supporting overall government-wide management accountability priorities continue to be priorities for the Tribunal. The projects undertaken in 2012-2013 included the following.

- The Tribunal has maintained its focus on effective planning and rigorous management by transferring the work in the procurement and appeal areas of its mandate from the Research Branch to Legal Services. The transfer of that work provided significant savings and promoted greater efficiencies in the Tribunal's workload as a whole.
- The Tribunal continued to improve the efficiency and reliability of its IT infrastructure in 2012-2013 by renewing its hardware and software to increase the performance, stability and maintenance of its network. As such, the Tribunal's server infrastructure was successfully virtualized and considerably streamlined. This renewal provides the Tribunal with a platform that is performing, stable and scalable.
- The Tribunal developed, as part of its Information Management (IM) action plan, a corporate file structure. However, it could not be implemented in 2012-2013 due to a lack of financial and human resources.
- As part of the findings of the core control audit conducted by the Office of the Comptroller General of the Treasury Board Secretariat in 2011-2012 to improve its internal control processes, the Tribunal provided to employees who have delegated financial or HR authorities a group training and online material that will assist them in performing their duties.

Priority	Type	Strategic Outcome
Improve Service Delivery	Ongoing	Fair, timely and transparent disposition of international trade cases, procurement cases and government-mandated inquiries within the Tribunal's jurisdiction

Summary of Progress

The Tribunal continuously works towards improving its service delivery in order to provide efficient and reliable services to its stakeholders. Moreover, the Tribunal must protect the personal and confidential information filed by parties appearing before it.

- The Tribunal was successful in implementing a renewed backup infrastructure with the capacity to store weekly backups to disk and then to tape which are stored offsite. Further discussions are underway with other small departments and agencies to share offsite restore capacity. As well, the Tribunal has continued to further enhance the security of its network by updating its security infrastructure and software.
- An electronic questionnaire that will allow respondents to save time and check for errors when they provide information to the Tribunal was launched and was a successful pilot project. The Tribunal is now reviewing the results of the pilot to develop a long-term approach.

Risk Analysis

Risk	Risk Response Strategy	Link to PAA	Link to Organizational Priorities
Ability to maintain well-being, morale and productivity in a period of budgetary constraints	<p>This risk was identified as part of the 2012-2013 RPP. Proactive and timely communication with employees about the direction and challenges of the organization were done to maintain employee engagement. As indicated earlier, regular information bulletins were sent to all staff on Tribunal-wide initiatives to keep employees up to date on developments. Several town-hall style meetings attended by the Chairperson were held at the branch level to ensure direct communication to and feedback from employees.</p>	<p>Fair, timely and transparent disposition of international trade cases, procurement cases and government-mandated inquiries within the Tribunal's jurisdiction</p>	Invest in Its People
Ability to deliver high-quality work in a period of increased workload and budgetary constraints	<p>This risk was identified as part of the 2012-2013 RPP. Management has undertaken a number of risk management strategies designed to manage resources better, including initiatives to improve case management.</p>	<p>Fair, timely and transparent disposition of international trade cases, procurement cases and government-mandated inquiries within the Tribunal's jurisdiction</p>	Process Cases Within Statutory Deadlines and Maintain Quality Standards
Ability to continue reducing the risk of losing corporate memory due to outdated IM systems	<p>This risk was identified as part of the 2012-2013 RPP. The new structure for the Tribunal's corporate files that was developed in 2011-2012 was not implemented in 2012-2013 due to lack of financial and human resources. This area remains a risk for 2013-2014.</p>	<p>Fair, timely and transparent disposition of international trade cases, procurement cases and government-mandated inquiries within the Tribunal's jurisdiction</p>	Sound Management

Ability to continue maintaining an up-to-date IT infrastructure, efficient safeguards against cyber-attacks and proper recovery processes during a period of budgetary constraints	This risk was identified as part of the 2012-2013 RPP. The Tribunal invested resources to upgrade the security of its network and to continue to document its recovery processes to improve its business continuity readiness, despite limited human and financial resources in its IT operations. As indicated earlier, the Tribunal was successful in implementing a renewed backup infrastructure with the capacity to store weekly backups to disk and then to tape which are stored offsite. Further discussions are underway with other small departments and agencies to share offsite restore capacity.	Fair, timely and transparent disposition of international trade cases, procurement cases and government-mandated inquiries within the Tribunal's jurisdiction	Improve Service Delivery
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Summary of Performance

The Tribunal's financial and human resources had a direct impact on its ability to achieve its strategic outcome and deliver on its programs. The following sections highlight the Tribunal's performance and demonstrate linkages between resources and results.

Financial Resources – Total Departmental (\$ thousands)

Total Budgetary Expenditures (Main Estimates) 2012–2013	Planned Spending 2012–2013	Total Authorities (available for use) 2012–2013	Actual Spending (authorities used) 2012–2013	Difference (planned v. actual spending)
9,895	9,895	11,967	11,501	(1,606)

During 2012-2013, the Tribunal's planned spending was \$9,895 million. Through the Main Estimates and Supplementary Estimates, the Tribunal was allocated total authorities of \$11,967 million, of which \$1.3 million consisted of a transfer of appropriation from a previous year for the Tribunal's accommodation retrofit. Actual spending for the Tribunal was \$11.5 million. The variance of \$1.6 million from planned v. actual spending can be attributed to the retrofit of the Tribunal's accommodations and an increase in trade remedy cases.

2012-2013 Human Resources (full-time equivalents [FTEs])

Planned 2012-2013	Actual 2012-2013	Difference 2012-2013
77	75	2

As part of an internal restructuring, the Tribunal has reduced its personnel faster than anticipated by two FTEs for 2012-2013.

Performance Summary Table for Strategic Outcome and Programs (\$ thousands)

Strategic Outcome 1: Fair, timely and transparent disposition of international trade cases, procurement cases and government-mandated inquiries within the Tribunal's jurisdiction

Program	Total Budgetary Expenditures (Main Estimates 2012-2013)	Planned Spending			Total Authorities (available for use) 2012-2013	Actual Spending (authorities used)			Alignment to Government of Canada Outcomes
		2012-2013	2013-2014	2014-2015		2012-2013	2011-2012	2010-2011	
Adjudication of Trade Cases (quasi-judicial role)	7,223	7,263	7,322	6,974	8,736	8,396	6,633	6,881	Fair and secure marketplace
General Economic Inquiries and References (advisory role)	99	89	99	94	120	115	105	109	Fair and secure marketplace
Strategic Outcome 1 Sub-total	7,322	7,352	7,421	7,068	8,856	8,511	6,738	6,990	

Performance Summary for Internal Services (\$ thousands)

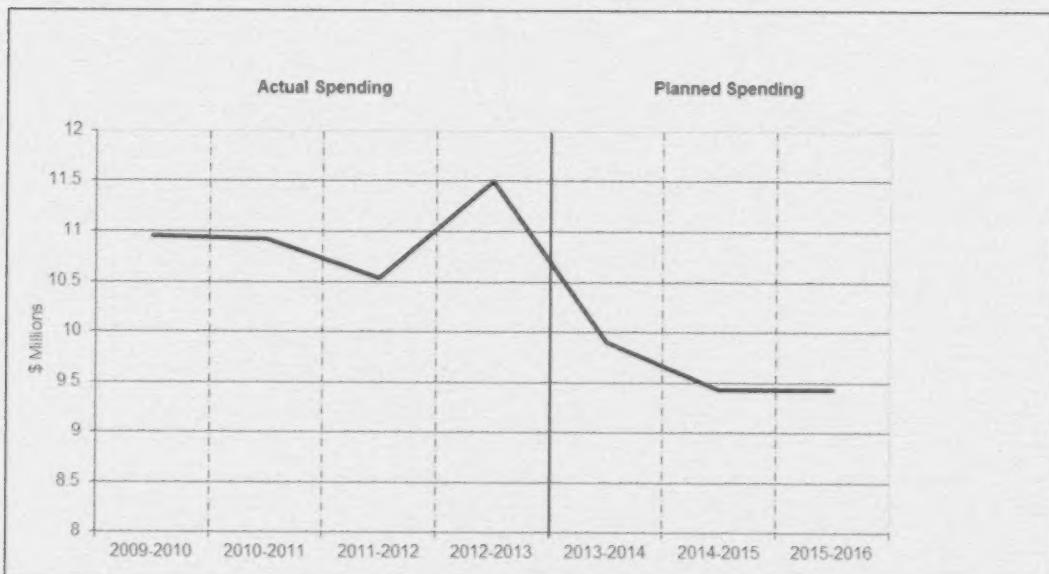
Internal Services	Total Budgetary Expenditures (Main Estimates 2012-2013)	Planned Spending			Total Authorities (available for use) 2012-2013	Actual Spending (authorities used)		
		2012-2013	2013-2014	2014-2015		2012-2013	2011-2012	2010-2011
	2,573	2,543	2,473	2,356	3,111	2,990	3,791	3,932
Sub-total	2,573	2,573	2,473	2,356	3,111	2,990	3,791	3,932

Total Performance Summary Table (\$ thousands)

Strategic Outcome and Internal Services	Total Budgetary Expenditures (Main Estimates 2012-2013)	Planned Spending			Total Authorities (available for use) 2012-2013	Actual Spending (authorities used)		
		2012-2013	2013-2014	2014-2015		2012-2013	2011-2012	2010-2011
	9,895	9,895	9,894	9,424	11,967	11,501	10,529	10,922
Total	9,895	9,895	9,894	9,424	11,967	11,501	10,529	10,922

Expenditure Profile

Departmental Spending Trend



The fluctuations in spending and planned spending since 2009-2010 can be explained by the following three events:

1. From 2009-2010 to 2011-2012, more resources were allocated to the Tribunal in order to alleviate a short-term operating budget shortfall resulting from an expected increase in trade remedy and procurement cases caused by the world economic recession.
2. In 2012-2013, the Tribunal proceeded with the retrofit of its accommodations for a total cost of \$1.7 million.
3. In 2014-2015, the Tribunal's budget will be reduced by \$0.5 million as part of the Deficit Reduction Action Plan.

Estimates by Vote

For information on the Tribunal's organizational votes and/or statutory expenditures for 2012-2013, please see *Public Accounts of Canada 2013*, Volume II. An electronic version of the *Public Accounts of Canada 2013* is available on the Department of Public Works and Government Services Canada Web site.¹

Strategic Environmental Assessment

During 2012-2013, the Tribunal considered the environmental effects of initiatives subject to *The Cabinet Directive on the Environmental Assessment of Policy, Plan and Program Proposals*.² The Tribunal did not produce any public statements in 2012-2013.



SECTION II—ANALYSIS OF PROGRAMS BY STRATEGIC OUTCOME

Strategic Outcome

Results under the Tribunal's three distinct programs support its strategic outcome, which, in turn, contributes to Canada's competitiveness and to a fair and secure marketplace. The following section highlights the Tribunal's performance under the strategic outcome and each program in 2012-2013.

Strategic Outcome 1: Fair, timely and transparent disposition of international trade cases, procurement cases and government-mandated inquiries within the Tribunal's jurisdiction

Performance Indicators	Targets	Performance 2012-2013
Tribunal decisions overturned by the Federal Court of Appeal and/or international appeal bodies	Not more than 2 percent of all decisions rendered over the most recent five-year period are overturned by the Federal Court of Appeal and/or international appeal bodies	1.17 percent of all decisions rendered over the most recent five-year period were overturned by the Federal Court of Appeal and/or international appeal bodies (see the Judicial Review section of this document for more details)
Tribunal notices, decisions and guidelines are accessible to the public	100 percent of notices, decisions and guidelines for all areas of its mandate and practice notices are accessible to the public through the Tribunal's Web site and the <i>Canada Gazette</i>	In 2012-2013, 100 percent of the Tribunal notices, decisions and guidelines were accessible to the public

Judicial Review

The Tribunal's decisions are ordinarily reviewed by the Federal Court of Appeal.² Over a five-year period between 2008-2009 and 2012-2013, the ratio of overturned decisions to decisions subject to judicial review or appeal was 1.17 percent for the period ending March 31, 2013, thereby meeting the Tribunal's target of not more than 2 percent. None of the cases that were overturned were vacated on a "due process" ground, which meets the Tribunal's target of less than 1 percent of decisions overturned for reasons of "due process". The following table shows the applications

2. In rare cases, binational panels under *NAFTA* or other international trade agreements or a WTO dispute settlement panel may be convened or called upon to review the Tribunal's *SIMA* findings. There were no new applications by parties for the review of the Tribunal's decisions before these panels in 2012-2013. Where the Tribunal decides on an appeal under the *Excise Tax Act* and a party appeals the Tribunal's decision, the matter is heard by the Federal Court in a hearing *de novo*.

and disposal of requests for judicial review or appeals for the above five-year period. In summary, the Tribunal's strong record of its decisions being upheld on judicial review and appeal continued.

Treatment of Tribunal's Decisions Before the Federal Court of Canada	
	Five-year Period
Decisions subject to judicial review or appeal ¹	938
Decisions for which applications for judicial review or appeal were filed	161
Decisions for which applications for judicial review or appeal were withdrawn or discontinued	54
Decisions for which the applications for judicial review were dismissed	33
Decisions overturned ²	11
Decisions overturned on due process	0
Percentage of all decisions rendered that were overturned by the Federal Court of Appeal, the Federal Court or an international appeal body ³	1.17
Percentage of all decisions rendered that were overturned by the Federal Court of Appeal and/or international appeal bodies on judicial review dealing specifically with "due process"	0

1. For the purpose of this table, cases are all decisions and reports issued, including decisions not to initiate procurement inquiries. The number of cases corresponds to that of the caseload table found in the Tribunal's Annual Report and excludes withdrawals.

2. Overturned also includes decisions remanded to the Tribunal.

3. The methodology has been modified since 2011-2012 to reflect the fact that, where a single remand decision is issued in respect of multiple cases, it is accounted for as a single case. This is only applicable where the nature of the remand is identical for all the cases overturned and is intended to avoid over counting by properly reflecting that the remanded cases were all in respect of the same parties and the same issue.

Information Available to the Public

All notices, practice notices, decisions and guidelines pertaining to the Tribunal's mandate were published on the Tribunal's Web site and, in the case of statutorily required notices, published in the *Canada Gazette*. In the matter of *SIMA*, procurement and appeal cases, all decisions were distributed to interested parties.

Program 1: Adjudication of Trade Cases (quasi-judicial role)

The Tribunal's mandate with regard to the adjudication of trade cases is to provide a fair, timely and transparent trade remedy system for Canada's business sector, thereby preserving confidence in the Canadian market, for the benefit of Canadian businesses and consumers. The Tribunal acts as an independent, quasi-judicial decision-making body that derives its adjudication authority from the *CITT Act*, *SIMA*, the *Customs Act* and the *Excise Tax Act*. It operates within Canada's trade remedy system to apply existing laws and trade agreements that seek to address unfair competition in the domestic market or provide emergency protection against imported goods that are seen to cause injury to a domestic industry. The Tribunal also hears appeals from decisions of the Minister of National Revenue and the CBSA. It has also been designated as the bid challenge authority under *NAFTA*, the *AIT*, the *AGP*, the *CCFTA*, the *CPFTA* and the *CCOFTA* in the federal government procurement process.

In its quasi-judicial role, the Tribunal's caseload is comprised of the following:

- Unfair trade cases—inquries under *SIMA* into whether dumped and/or subsidized imports have caused or are threatening to cause injury to a Canadian industry.
- Bid challenges—inquries into complaints by potential suppliers concerning federal government procurement under *NAFTA*, the *AIT*, the *AGP*, the *CCFTA*, the *CPFTA* and the *CCOFTA*.
- Appeals of decisions of the CBSA under the *Customs Act* and *SIMA*, and of decisions of the Minister of National Revenue under the *Excise Tax Act*.
- Safeguard cases—inquries into whether the rapid build-up of imports from the People's Republic of China, or from around the world, is causing injury to a Canadian industry.

Financial Resources (\$ thousands)

Total Budgetary Expenditures (Main Estimates) 2012-2013	Planned Spending 2012-2013	Total Authorities (available for use) 2012-2013	Actual Spending (authorities used) 2012-2013	Difference 2012-2013
7,223	7,263	8,736	8,396	(1,133)

Human Resources (FTEs)

Planned 2012-2013	Actual 2012-2013	Difference 2012-2013
56	55	1

Performance Results

Expected Results	Performance Indicators	Targets	Actual Results
Tribunal's decisions are fair, impartial and based on quality information	Percentage of decisions under judicial review dealing specifically with "due process" that are overturned by the Federal Court of Appeal and/or international appeal bodies	Less than 1 percent of all decisions rendered are overturned by the Federal Court of Appeal and/or international appeal bodies on judicial review dealing specifically with "due process"	No decisions rendered were overturned by the Federal Court of Appeal and/or international appeal bodies on judicial review dealing specifically with "due process"
Decisions rendered within statutory deadlines	Percentage of decisions published within statutory deadlines	100 percent of statutory deadlines were met	100 percent of statutory deadlines were met
Decisions on appeals rendered within internal deadlines	Percentage of decisions on appeals published within internal deadlines	70 percent of internal deadlines were met	90 percent of internal deadlines were met

Performance Summary and AnalysisTrade Remedy Cases

The Tribunal issued decisions in the case of five preliminary injury inquiries, five final injury inquiry, two requests for interim reviews, two interim reviews, five expiry processes, three expiry reviews and one remanded case. With regard to these 23 decisions, the Tribunal fully met its performance targets in terms of meeting statutory deadlines and making information available to the public.

Procurement Cases

In 2012-2013, 64 decisions on procurement cases were issued and subject to statutory deadlines. In addition, 19 orders relating to cost award, compensation and postponement of award were issued. The Tribunal fully met its performance target in terms of meeting its statutory deadlines and making information available to the public.

Appeal Cases Issued Within Internal Deadlines

In 2012-2013, the Tribunal issued 40 appeal decisions, as well as 7 decisions on extension of time. There is no legislative deadline imposed for appeals of decisions of the CBSA or of the Minister of National Revenue. However, the Tribunal has adopted a voluntary internal standard of issuing such decisions within 120 days of the hearing of an appeal. Of the 40 appeal decisions issued in 2012-2013, 36 (90 percent) were issued within this self-imposed standard. The Tribunal exceeded its target of meeting the standard at least 70 percent of the time.

Lessons Learned

In 2012-2013, despite a period of peak activity, the Tribunal took advantage of a short recess between cases to provide all staff in the Research Branch and Legal Services with intensive training on the conduct of inquiries in the trade remedy areas of the Tribunal's mandate and on legal writing techniques. Having the training condensed over a two-week period with experienced staff each being in charge of presenting sessions and sharing their knowledge and experience has proven to be extremely helpful and valuable for new and existing staff.

Program 2: General Economic Inquiries and References (advisory role)

In its advisory role, the Tribunal's caseload is comprised of three types of cases. First, the Tribunal plays an advisory role, when requested by the Government, to recommend measures to alleviate injury to domestic producers pursuant to a safeguard inquiry.

Second, the Government may also periodically direct the Tribunal to inquire into general economic, trade or tariff matters. In such inquiries, the Tribunal has the power to conduct research, receive submissions, hold hearings and report with recommendations, as required, to the Government or the Minister of Finance.

Third, the Tribunal has received a standing reference from the Minister of Finance to investigate requests from domestic textile producers for tariff (import tax) relief on imported textile inputs for use in their manufacturing operations and to make recommendations to the Minister of Finance that would maximize the net economic benefit to Canada.

The Tribunal has not received a reference from the Government with regard to safeguard remedies since August 2005, nor since November 2005 with regard to economic, trade or tariff matters.

Financial Resources (\$ thousands)

Total Budgetary Expenditures (Main Estimates) 2012-2013	Planned Spending 2012-2013	Total Authorities (available for use) 2012-2013	Actual Spending (authorities used) 2012-2013	Difference 2012-2013
99	89	120	115	(26)

Human Resources (FTEs)

Planned	Actual	Difference
1	1	0

Performance Results

Expected Results	Performance Indicators	Targets	Actual Results
Tribunal's recommendations on economic, trade and tariff matters and the standing textile reference are fair, impartial and based on quality information	Percentage of recommendations and reports that meet the terms of reference and provide requested information	100 percent of recommendations meet the terms of reference and provide requested information	N/A
Reports and recommendations to Government or Minister of Finance published within statutory deadlines	Percentage of reports and recommendations to Government or Minister of Finance that are published within statutory deadlines	100 percent of reports and recommendations are published within statutory deadlines	N/A

Performance Summary and Analysis

In the context of its standing textile reference, the Tribunal ordinarily issues its recommendations, with reasons, to the Minister of Finance within 100 days from the date of commencement of the inquiry. In exceptional cases, where the Tribunal determines that critical circumstances exist, it will issue its recommendations within an earlier specified time frame.

During 2012-2013, the Tribunal did not receive any new requests for tariff relief on textile inputs. However, the Tribunal still allocated modest human and financial resources to this program activity in order to maintain a core level of knowledge and expertise in this highly specialized area should the need again arise. Further, the Tribunal is required to report on the standing textile reference in its annual report and devotes an entire chapter to this area of its mandate.

As noted above, the Tribunal has not received any references from the Government since 2005-2006.

Lessons Learned

In an effort to reduce the resources allocated to this activity, the Tribunal decided to significantly cut down on the reporting and the details provided in the chapter of its annual report concerning the textile reference.

Program 3: Internal Services

The Internal Services program activity supports all strategic outcomes and is common across Government. Internal Services are groups of related activities and resources that are administered to support the needs of programs and other corporate obligations of an organization. These groups are management and oversight services; communications services; legal services; human resources management services; financial management services; IM services; IT services; real property services; materiel services; acquisition services; and travel and other administrative services. Internal Services include only those activities and resources that apply across an organization and not those provided specifically to a discrete program.

2012-2013 Financial Resources (\$ thousands)

Total Budgetary Expenditures (Main Estimates) 2012-2013	Planned Spending 2012-2013	Total Authorities (available for use) 2012-2013	Actual Spending (authorities used) 2012-2013	Difference 2012-2013
2,573	2,543	3,111	2,990	(447)

2012-2013 Human Resources (FTEs)

Planned	Actual	Difference
20	19	1

Performance Summary and Analysis

In order to achieve the expected result for its quasi-judicial role, the Tribunal undertook the following activities.

- In 2012-2013, the Tribunal completed the retrofit of its workspace at a cost of \$1.7 million. The retrofit will maximize office space and be more in line with the current government-wide trends.
- The Tribunal continued to reduce the number of hard copies of documents that are being reproduced by encouraging staff and Members to rely, to the greatest extent possible, on its case management system.
- Assignments, secondments and acting appointments were encouraged, with some employees changing branches within the Tribunal and others pursuing opportunities elsewhere.
- The Tribunal was successful in implementing a complex tactical IT security system to minimize the risk to its network. This multi-level defence includes segregation of networks, application white listing, desktop power management policies, etc. Corporate information drives have been duplicated and are now redundant.

Lessons Learned

The Tribunal adopted SSC's cost-effective telephone services initiative to convert from landlines to mobile devices. Although some employees were reticent to abandon their landlines, the initiative has proven to work out extremely well and most employees are pleased with the change. In addition to the recurring savings being generated, it also results in savings and efficiency gains when staff is being relocated within the Tribunal, as there is no need to incur reconnection charges.

SECTION III—SUPPLEMENTARY INFORMATION

Financial Statement Highlights

Condensed Statement of Operations and Departmental Net Financial Position

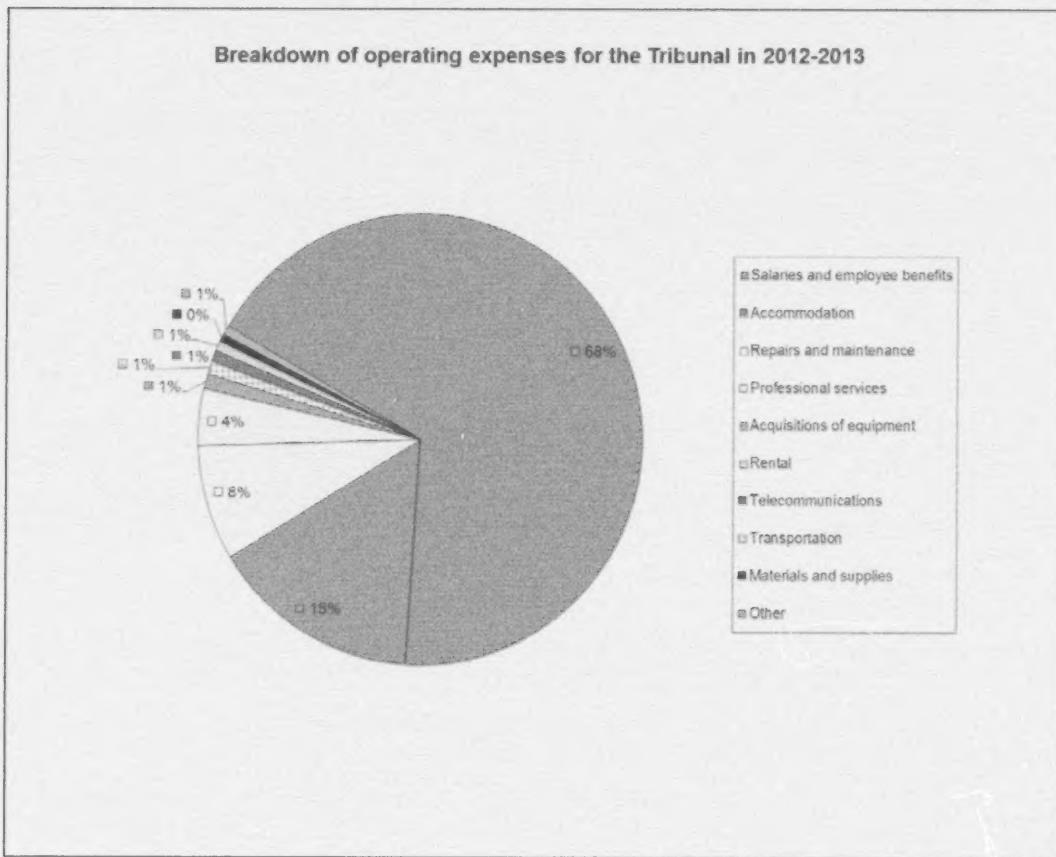
Canadian International Trade Tribunal Condensed Statement of Operations and Departmental Net Financial Position (unaudited) For the Year Ended March 31, 2013 (\$ thousands)					
	2012-2013 Planned Results	2012-2013 Actual	2011-2012 Actual	\$ Change (2012-2013 planned v. actual)	\$ Change (2012-2013 actual v. 2011-2012 actual)
Total expenses	12,615	13,581	12,809	(966)	772
Total revenues	1	0	1	1	(1)
Net cost of operations before government funding and transfers	12,614	13,581	12,808	(967)	773
Departmental net financial position	(987)	(326)	(1,012)	(661)	686

Canadian International Trade Tribunal Condensed Statement of Financial Position (unaudited) As at March 31, 2013 (\$ thousands)			
	2012-2013	2011-2012	\$ Change
Total net liabilities	1,921	2,076	(155)
Total net financial assets	749	701	48
Departmental net debt	1,172	1,375	(203)
Total non-financial assets	846	363	483
Departmental net financial position	(326)	(1,012)	686

Financial Highlights, Charts and Graphs

Expenses—Where Spending Goes

	2013 Total	2012 Total
Salaries and employee benefits	9,188	9,186
Accommodation	2,075	2,050
Repairs and maintenance	1,122	280
Professional services	553	645
Acquisitions of equipment	147	180
Rental	124	31
Telecommunications	111	103
Transportation	93	135
Materials and supplies	75	77
Other	93	121
Net cost of operations	13,581	12,808



Financial Statements

The Tribunal's financial statements are available at the Tribunal's Web site.³

Supplementary Information Tables

Electronic supplementary information tables listed in the 2012-2013 Departmental Performance Report can be found on the Tribunal's Web site.⁴

- Green Procurement

Tax Expenditures and Evaluations Report

The tax system can be used to achieve public policy objectives through the application of special measures, such as low tax rates, exemptions, deductions, deferrals and credits. The Department of Finance publishes cost estimates and projections for these measures annually in the Tax Expenditures and Evaluations publication.⁵ The tax measures presented in the Tax Expenditures and Evaluations publication are the sole responsibility of the Minister of Finance.



SECTION IV—OTHER ITEMS OF INTEREST

Organizational Contact

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Principal Legislation Governing the Work of the Canadian International Trade Tribunal

<i>Canadian International Trade Tribunal Act</i>	R.S.C. 1985 (4th Supp.), c. 47
<i>Customs Act</i>	R.S.C. 1985 (2d Supp.), c. 1
<i>Excise Tax Act</i>	R.S.C. 1985, c. E-15
<i>Special Import Measures Act</i>	R.S.C. 1985, c. S-15
<i>Canadian International Trade Tribunal Regulations</i>	S.O.R./89-35
<i>Canadian International Trade Tribunal Procurement Inquiry Regulations</i>	S.O.R./93-602
<i>Canadian International Trade Tribunal Rules</i>	S.O.R./91-499

Tribunal's Publications

For a complete list of the Tribunal's publications, please see the Tribunal's Web site at www.citt-tcce.gc.ca/publicat/index_e.asp.

ENDNOTES

1. *Public Accounts of Canada 2013*, www.tpsgc-pwgsc.gc.ca/recgen/cpc-pac/index-eng.html.
2. *The Cabinet Directive on the Environmental Assessment of Policy, Plan and Program Proposals*, www.cea.gc.ca/default.asp?lang=En&n=B3186435-1.
3. Financial Statements, www.citt-tcce.gc.ca/publicat/index5_e.asp
4. Green Procurement, www.citt-tcce.gc.ca/publicat/index_e.asp
5. Tax Expenditures and Evaluations publication link: www.fin.gc.ca/purl/taxexp-eng.asp